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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CALLUAUD et al.

Atty. Ref.: 4398-21

Serial No. 09/466,971

Group: 3761

Filed: December 20, 1999

Examiner: J. Weiss, Jr.

For: SUBSTANCE DELIVERY APPARATUS

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

ResMed Limited, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

ResMed Limited also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

CALLUAUD et al.  
Serial No. 09/466,971

Certificate Under 37 C.F.R. §3.73(b)

ResMed Limited, a corporation having a place of business at 97 Waterloo Road, North Ryde, New South Wales, Australia states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment chain from the inventors to the aforesaid assignee, a copy of the assignment chain being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of ResMed Limited.

ResMed Limited

August 28, 2003

Date

By:

  
\_\_\_\_\_  
Name: Mark Abourizk  
Title: V.P. Intellectual Property & Legal Services Asia Pacific

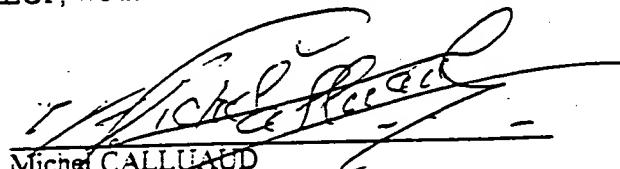
Attachment: Copy of Assignment Chain

**COPY**

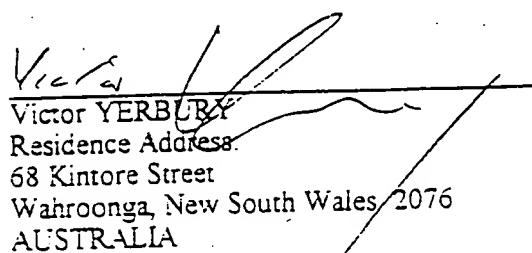
executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

January 12th 1998  


  
Michel CALLIAUD  
Residence Address:  
Villa 13 Bayview Gardens  
36 Cabbage Tree Road  
Bayview, New South Wales 2104  
AUSTRALIA

19 December 1997

  
Victor YERBURY  
Residence Address:  
68 Kintore Street  
Wahroonga, New South Wales 2076  
AUSTRALIA

DENVER-0809883.01

**COPY**  
Page 2 of 2



T97XY-004

## CERTIFICATE

I do hereby certify that ResMed Limited, a corporation duly organized and existing under the laws of Australia, changed its corporate address from 82 Waterloo Road, North Ryde, New South Wales 2113, Australia to 97 Waterloo Road, North Ryde, New South Wales 2113, Australia on ~~1st Aug 1997~~

Dated this 21st day of June , 2000

By \_\_\_\_\_

Notary Public

WINSTON READFORD

NOTARY PUBLIC  
SOLICITOR  
TAX AGENT

SHOP 14, COX'S ROAD MALL  
202 COX'S ROAD  
NORTH RYDE, N.S.W. 2113

TEL: 9887 2888  
FAX: 9887 3936  
EMAIL: WINSTON.READFORD@HYPOSTBOX.COM.AU

(Notarial Seal)

RECORDATION FORM COVER SHEET

PATENTS ONLY

Our Ref.: 4398-21

Mail Stop Assignment Recordation Services

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

1 Michel Calluaud  
2 Victor Yerbury

2. Name and address of receiving party(ies):

Name: ResMed Limited

Internal Address:

Street Address: 82 Waterloo Road

Additional name/s of conveying party/ies attached?

3. Nature of conveyance:

Assignment       Merger  
 Security Assignment       Change of Name  
 Other

Execution Date:      (1) January 13, 1998  
                          (2) December 19, 1997

City: North Ryde, New South Wales

State/Country: Australia

Zip: 2113

Additional name/s & address/es attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No(s).

(1) 09/466,971  
(2)  
(3)

B. Patent No(s).

(1)  
(2)  
(3)

Additional numbers attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Paul T. Bowen

Internal Address: \_\_\_\_\_

Street Address: Nixon & Vanderhye P.C.

1100 North Glebe Road

8<sup>th</sup> Floor

City: Arlington State: VA Zip: 22201

6. Total number of applications & patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed

Authorized to be charged to deposit account #14-1140

8. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.

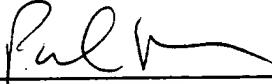
DO NOT USE THIS SPACE

9. Statements and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Paul T. Bowen

Name of Person Signing  
Reg. No. 38,009



Signature

August 22, 2003

Date

Total number of pages including original cover sheet, attachments, and document: [3]

## A S S I G N M E N T

WHEREAS, Michel CALLUAUD and Victor YERBURY, whose post office addresses are shown below, have made a certain new and useful invention relating to SUBSTANCE DELIVERY APPARATUS, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 08/989,150, filed on December 12, 1997, for SUBSTANCE DELIVERY APPARATUS; and

WHEREAS, we now own the entire right, title and interest therein; and

WHEREAS, ResMed Limited, an Australian company, ACN 003 765 142, whose post office address is 82 Waterloo Road, North Ryde, New South Wales 2113 Australia, is desirous of acquiring the entire interest in and to said invention, said application, or any continuation, division, renewal, or substitute thereof, and the Letters Patent, or any reissue or re-examination thereof, to be obtained therefor:

NOW THEREFORE, for and in consideration of the sum of Ten Dollars Australian (A\$10.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto the said ResMed Limited, and said assignee's legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application or any continuation, division, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or re-examination thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

We HEREBY AUTHORIZE the above-mentioned assignee to insert in this instrument the filing date and serial number of our said application.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by

executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

*19 Dec 1997* 1998  
*Michel Calluaud*

*Michel Calluaud*

Michel CALLUAUD  
Residence Address:  
Villa 13 Bayview Gardens  
36 Cabbage Tree Road  
Bayview, New South Wales 2104  
AUSTRALIA

*19 December*, 1997

*Victor Yerbury*

Victor YERBURY  
Residence Address:  
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